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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,290	01/16/2002	Kristi Cordova	100110484-1	7024

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,290

Applicant(s)

CORDOVA, KRISTI

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-15, 17, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15, 17, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. In view of the Appeal Brief filed on September 1, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection under 35 U.S.C. § 103 is set forth below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 10-15, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peyrelevade et al (US 2001/0120550 A1) in view of Wong (US 6,343,275 B1).

As per claims 1, 5-8, 11, 15, 17, 18 and 20, Peyrelevade discloses a system including the steps of: at least one reseller's electronic site, each such site arranged to display information pertaining to products that are selectable by a user, said products provided to said reseller from a source independent (fig. 3, 2700) from said reseller (page 9, [0102], lines 5-9); at least one database (fig. 3, 3600) controlled by said independent source (fig. 3, 2700), said database (fig. 3, 3600) arranged to contain information specific to said source's modules that are displayable to said user via said reseller's electronic site (page 6, [0070], lines 1-3); and at least one communication link 2300 controlled jointly by said source and said reseller (fig. 2). Peyrelevade does not electronically distribute and update the reseller sites but Wong discloses electronically distribute the latest version of the data to said reseller, delivering electronically, from time to time, as determined by the source location, an updated information from said

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database to the reseller sites with the timing of said distribution determined by said source (col. 4, lines 22-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the electronic distribution and update of reseller sites as taught by Wong into the system of Peyrelevade because it would provide a software that enables business-to-business web commerce and that automates to the greatest degree possible the various aspects of running a successful and profitable business.

As per claims 2, 3, 10, 12-14, Peyrelevade discloses a system wherein said source-controlled database can communicate to a plurality of electronic sites, each controlled by a different reseller (fig. 3), wherein further comprising means for causing the distribution of product data to a plurality of reseller's electronic sites, such that the product data will be uniformly displayed to an accessing user regardless of which one of said plurality of reseller's electronic sites said user accesses (page 11, [0127], lines 1-6). Peyrelevade further discloses establishing a transactional relationship between a user and said reseller (fig. 3, 2300); receiving from said user a specific request; and communicating said user's request to said source (third party, fig. 3); and said method further including the steps at said source of: receiving user requests from said resellers; and directly fulfilling each said request from said source to said user while still maintaining said established transactional relationship (fig. 3), wherein said maintained transitional relationship controls of payment between said user and reseller (page 9, [0110], lines 1-7).

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4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peyrelevade et al (US 2001/0120550 A1) in view of Wong (US 6,343,275 B1) and further in view of Narain et al (US 6,535,506 B1).

As per claim 4, neither Peyrelevade nor Wong discloses at least one second communication link established from said source database to an accessing user at a reseller's electronic site such that said accessing user may receive certain data directly from said source database while said accessing user remains in communication with said reseller's electronic site but Narain discloses a communication link that is different between the source database and the user and between the source database and the reseller site (fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the different communication channel between the source database and the user and between the source database and the reseller site as disclosed by Narain into the combined systems of Peyrelevade and Wong because it would establish simultaneous communication between the user and the reseller allowing separate communication between the source database and the user and between the source database and the reseller.

Response to Arguments

5. Applicant's arguments filed on 9/1/05 have been fully considered but they are not persuasive.

Applicant argues that the rejection does not show "electronic distribution of the latest version of data" as claimed but the newly added reference in Wong discloses electronically updating the reseller sites for latest products (see above rejection). The same rationale applies

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for Applicant's arguments as to the other claims. Claims 1-8, 10-15, 17, 18 and 20 remain rejected.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Laneau

Ronald Laneau
Examiner
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11/9/05

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